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LOK SABHA

The following Bill was introduced in Lok Sabha on the 18th December, 1963:—

BILL No. 61 OF 1963

A Bill to declare the Judicial Commissioner's Court for Goa, Daman and Diu to be a High Court for certain purposes of the Constitution.

It is enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Goa, Daman and Diu Judicial Commissioner's Court (Declaration as High Court) Act, 1963.

Short title
and com-
mence-
ment.

5 (2) It shall be deemed to have come into force on the date of commencement of the Goa, Daman and Diu (Judicial Commissioner's Court) Regulation, 1963

10 of 1963.

2. In this Act, "article" means an article of the Constitution.

Definition.

10 3. The Court of the Judicial Commissioner for the Union territory of Goa, Daman and Diu (hereinafter referred to as the Judicial Commissioner's Court) is hereby declared to be a High Court for the purposes of articles 132, 133 and 134.

Declara-
tion of
Goa,
Daman
and Diu
Judicial
Commis-
sioner's
Court as
High Court
for
certain
purposes.

Appeals
to the
Supreme
Court not
to be
barred on
account of
judgment,
etc., being
of a single
judge.

4. An appeal shall lie to the Supreme Court under the provisions of article 133 from any judgment, decree or final order of the Judicial Commissioner's Court notwithstanding that such judgment, decree or final order is that of a single Judge.

Appeals to
lie to the
Supreme
Court
from
judgment,
decree,
etc.,
whether
passed or
made
before or
after the
commence-
ment of
this Act.

5. Subject to any rules made under article 145 or any other law 5
as to the time within which appeals to the Supreme Court are to be
entered, an appeal shall lie to that Court from a judgment, decree
or final order of the Judicial Commissioner's Court, under the pro-
visions of article 132 or article 133, or from a judgment, final order 10
or sentence of such Court under the provisions of article 134 whe-
ther such judgment, decree, final order or sentence, as the case may
be, was passed or made before or after the commencement of this
Act.

Exceptions
and modi-
fications :
subject to
which the
provisions
of Chapter
V of Part
VI of the
Constitu-
tion apply
to the
Judicial
Commis-
sioner's
Court.

6. The provisions of Chapter V of Part VI of the Constitution 15
shall in their application to the Judicial Commissioner's Court have
effect subject to the following exceptions and modifications, name-
ly :—

(a) the provisions of articles 216, 217, 218, 220, 221, 222,
223, 224, 224A, 225, 230 and 231 shall not apply;

(b) references— 20

(i) in article 219, in the proviso to clause (3) of article
227 and in article 229 to the Governor shall be construed as
references to the administrator of the Union territory of
Goa, Daman and Diu;

(ii) in articles 219 and 229 to the State (except in the 25
expression "the State Public Service Commission") shall be
construed as references to the Union territory of Goa,
Daman and Diu;

(c) the reference to the State Public Service Commission
in the proviso to clause (1) of article 229 shall be construed as a 30
reference to the Union Public Service Commission.

7. Any person aggrieved—

(a) by any judgment, decree, order or sentence of the Tribunal de Relacao passed or made before the 20th December, 1961, against which an appeal would lie to a superior court in Portugal in accordance with law but could not be preferred by reason of Goa, Daman and Diu becoming part of the territory of India, or against which an appeal having been preferred to a superior court in Portugal in accordance with law had not been disposed of before the said date; or

Appeals to lie to the Supreme Court from judgment, decree, etc., passed or made by Tribunal de Relacao.

10 (b) by any judgment, decree, order or sentence of the Tribunal de Relacao passed or made on or after the 20th December, 1961,

may, within ninety days from the date of passing of this Act, prefer an appeal from such judgment, decree, order or sentence to
15 the Supreme Court as if such judgment, decree, order or sentence had been passed or made by the Judicial Commissioner's Court.

8. Section 7 of the Goa, Daman and Diu (Administration) Act, 1962, is hereby repealed.

Repeal of section 7 of Act 1 of 1962.

STATEMENT OF OBJECTS AND REASONS

Under the Goa, Daman and Diu (Judicial Commissioner's Court) Regulation, 1963, a Court of Judicial Commissioner has been constituted for the Union territory of Goa, Daman and Diu. It is the highest Court of Appeal replacing the existing Court of Appeal (Tribunal de Relacao) in that territory. Article 241(1) of the Constitution provides that Parliament may by law declare any court in a Union territory to be a High Court for all or any of the purposes of the Constitution. In the absence of such a declaration, the Judicial Commissioner's Court will not be competent to exercise the powers of a High Court and no appeal will lie to the Supreme Court. The Bill accordingly seeks to declare the Judicial Commissioner's Court for Goa, Daman and Diu to be a High Court for certain purposes and to apply thereto provisions of Chapter V of Part VI of the Constitution with certain exceptions and modifications.

2. Provision has also been made for appeals to the Supreme Court against judgments, decrees and orders of the Tribunal de Relacao:

(a) passed before 20th December, 1961, in respect of which appeals lay to the superior courts in Portugal, and

(b) passed on or after 20th December, 1961, in respect of which appeals could not be preferred in the absence of necessary provisions.

3. Constitution of the Judicial Commissioner's Court has rendered superfluous the provisions of section 7 of the Goa, Daman and Diu (Administration) Act, 1962, enabling the Central Government to extend the jurisdiction of the High Court at Bombay to the Union territory of Goa, Daman and Diu. Section 7 of the said Act is, therefore, being repealed.

NEW DELHI;

JAWAHARLAL NEHRU.

The 12th December, 1963.

M. N. KAUL,
Secretary.